

THE HONORABLE JUDGE BENJAMIN H. SETTLE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN ALLEN BOOTH,

Petitioner,

v.

ERIC JACKSON,

Respondent.

NO. 3:20-CV-06264-BHS

ORDER GRANTING
RESPONDENT'S STIPULATED
MOTION FOR LEAVE TO
CONDUCT DISCOVERY

The Court, having considered Respondent's stipulated motion to conduct discovery, any response thereto, and the records and files herein, does hereby find and ORDER:

1. Respondent's stipulated motion for leave to conduct discovery within the limits set forth in Part II of the motion is GRANTED.

2. Trial counsel, Roger Hunko, is ordered to answer all questions by Counsel for Respondent, as well as by habeas Counsel for Petitioner, within the parameters set forth in Part II of the motion. Hunko is also ordered to provide written materials, within the parameters set forth in Part II of the motion.

3. To the extent discovery granted to Respondent pursuant to Respondent's motion for leave to conduct discovery involves material—including testimony and documents—covered by the attorney-client privilege and attorney work product doctrine, this material shall be deemed confidential. This material may be used only by representatives from the Washington State Attorney General's Office and only for purposes of any proceedings incident to litigating the

1 claims presented in the petition for writ of habeas corpus pending before this Court. Disclosure
2 of the contents of the documents and the documents themselves may not be made to any other
3 persons or agencies, including any other law enforcement or prosecutorial personnel or agencies,
4 without an order from this Court. This order shall continue in effect after the conclusion of the
5 habeas corpus proceedings and specifically shall apply in the event of a retrial of all or any
6 portion of Petitioner's criminal case, except that either party maintains the right to request
7 modification or vacation of this order upon entry of final judgment in this matter.

8 DATED this 27th day of September, 2023.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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